



**THE ATTORNEY GENERAL
OF TEXAS**

**JIM MATTOX
ATTORNEY GENERAL**

August 2, 1988

Ms. Toffie H. Duncan
3242 Whitewing Way
Abilene, Texas 79606

LO-88-91

Dear Ms. Duncan:

Thank you for your letter of July 18, 1988. The Texas nepotism statute, article 5996a, V.T.C.S., prohibits a school board member from voting for the employment of a person who is related to any board member within the third degree of consanguinity. Texas uses the common law method of determining degrees of consanguinity. Attorney General Opinion JM-581 (1986). The degree of consanguinity is determined by counting the number of generations from the nearest common ancestor and taking the longer of the two lines where they are unequal. Id.

You ask about your relationship to a school board member who is a first cousin once removed. Specifically, your grandparent is the great-grandparent of the board member in question. You are two degrees removed from your grandparent, and the board member is three degrees removed from that same ancestor. Therefore, under the common law method of determining degrees of consanguinity, you are related to the board member in the third degree of consanguinity. The nepotism statute would prohibit your employment by the board of which your relative is a member.

Very truly yours,

A handwritten signature in cursive script that reads "Sarah Woelk".

Sarah Woelk
Assistant Attorney General
Opinion Committee

SW/bc

4091